

{In Archive} Re: Fw: SEP Proposal

Aaron Setran to: Rich Campbell

Cc: Eric Byous, David Albright

From: Aaron Setran/R9/USEPA/US

To: Rich Campbell/R9/USEPA/US@EPA,

Cc: Eric Byous/R9/USEPA/US@EPA, David Albright/R9/USEPA/US@EPA

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Rich:

Aaron Carr Setran U.S. EPA, Water Division 75 Hawthorne St. San Francisco, CA 94105 (415) 972-3457 Rich Campbell/R9/USEPA/US

Rich Campbell/R9/USEPA/US

To Aaron Setran/R9/USEPA/US@EPA

11/01/2007 09:25 AM

10/31/2007 04:02 PM cc

Subject Fw: SEP Proposal

fyi

I'd asked for a penalty proposal too. I'll be calling him.

This SEP is not approvable for several reason ... but can you expand on your critique that the water needs to be better treated to apply to this open space?

Thanks,

Rich

---- Forwarded by Rich Campbell/R9/USEPA/US on 10/31/2007 04:01 PM -----



"Justin Clouser" <jclouser@clouserlaw.com> 10/31/2007 03:42 PM

To Rich Campbell/R9/USEPA/US@EPA

CC

Subject SEP Proposal

Rich,

As a follow up to our telephone conversation on Monday, I would like the following SEP proposal to be considered:

In an effort to reduce the adverse impact to public health and the environment and in recognition of its obligation to protect and preserve the viability of the underground sources of drinking water within its development, Pineview Estates, PTP, Inc. submits the following proposal for a Supplemental Environmental project (SEP) as part of a proposed Consent order for the alleged violations of the Safe Drinking Water Act (SDWA), as described in the EPA's Findings and Proposed Administrative Order with Administrative Civil Penalty, Docket No. UIC-09-2007-0002.

PTP, Inc. proposes to install an irrigation system that would take treated effluent from the final processing tank in the septic system at Drainfield B and pipe it to a dedicated open space that is contiguous to Drainfield B. PTP, Inc. will dedicate seven (7) acres of undeveloped land as permanent open space. The "purple pipe" water would be used to irrigate the seven (7) acres to restore and preserve the native flora and fauna for the benefit of the Pineview Estates community.

Besides using reclaimed water to benefit the environment, the "purple pipe" irrigation system would reduce the use of Drainfield B, thereby reducing the possibility of any negative impact to the underground sources of drinking water for the residents of Pineview Estates. This would reduce the adverse impact to public health and improve the environment.

Engineering and installation of the proposed irrigation system using reclaimed water is not something that PTP, Inc. is legally required to do under any current statutes, regulations, codes, or ordinances.

The proposed SEP would be engineered pursuant to EPA standards and in consultation with the EPA. The cost of the project cannot be fairly determined at this point. There would be costs associated with design, engineering and construction. Estimates of these costes can be better estimated should the EPA believe this project to be an appropriate SEP and PTP, Inc. proceeds to gather this information.

There are other costs associated with the proposal. By dedicating seven (7) acres of open space, PTP, Inc. will forego the development of approximately 55 building lots. The present value of those lots is \$ 104 100 each. In essence, PTP, Inc. would

be giving up the potential to

receive \$ b4 for this property. While this is not an outlay of funds, it demonstrates the seriousness of PTP, Inc.'s proposal.

Please contact me if you have any questions, comments or need additional information.

Justin M. Clouser, Esq.

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